

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action of August 17, 2004. Claims 1 and 12 have been amended and claims 33-36 are new. Support for the amendments of claims 1 and 12 reciting three layers, a base layer, a first resin layer and a second resin layer may be found in the Specification with reference to Figures 5 and 6 (page 8, paragraphs 29 and 30). Support for the new independent claim 33 reciting a single layer pad may be found in the Specification with reference to Figure 4 (page 7, paragraph 28). Support for new claims 34 and 35 may be found in the Specification with reference to the description pertaining to Figure 8 (page 9, paragraph 34).

### **2. Response to § 112 Rejection**

Claims 1-5 and 10-14 stand rejected under 35 U.S.C 112 for allegedly failing to comply with the written description requirement. Specifically, the term “contiguously,” the limitation of “wherein the at least one of the base layer and the resin layer is patterned,” and “on” the base layer. The aforementioned terms and limitations have been removed from the claims and removal of this rejection is respectfully requested.

### **3. Response to § 103(a) Rejection**

Claims 1-5 and 10-14 stand rejected under 35 U.S.C 103(a) as allegedly being unpatentable by U.S. patent application no. 2002/0077035 A1 (hereinafter “Wang”) in view of U.S. patent no. 6,206,759 (hereinafter “Agarwal”). Wang only discusses a polishing pad including a base layer and a second layer, which comprises a plurality of embedded or impregnated ion exchange particles. However, claims 1 and 12 include not just two layers, like Wang, but three distinct layers, specifically, a base layer, a first resin

layer and a second resin layer. In the case of claim 1, the third layer being the second resin layer including an ion exchange material therein, the second resin layer coupled to the second surface of the first resin layer and configured to have a patterned surface. In the case of claim 12, the third layer being the second resin layer including an ion exchange material therein, wherein the second resin layer is conformed and coupled to the first resin layer.

Adding the teachings of Agarwal to Wang fails to cure Wang's deficiencies. Combining the described layers, patterns, or grooves of Agarwal's surface fails to suggest or make obvious the three layers as presently recited. Specifically, in the case of claim 1, the third layer being the second resin layer including an ion exchange material therein, the second resin layer coupled to the second surface of the first resin layer and configured to have a patterned surface. In the case of claim 12, the third layer being the second resin layer including an ion exchange material therein, wherein the second resin layer is conformed and coupled to the first resin layer. Although Agarwal describes a backing member, an intermediate layer and a cover layer, the intermediate layer and cover layer are not described to include the feature of being resin layers as presently recited. Agarwal specifically describes the intermediate layer as being composed of, "a ceramic material or metal material that provides a hard, rigid support surface for the pattern elements 160 and the cover layer 170" (col. 7, ln. 13-16). Therefore, there is nothing in Agarwal to suggest a first and second resin layers, the second and third layers, respectively, be added to the pad described in Wang. Furthermore, the cover layer described in Agarwal is for covering and securing individual polishing elements applied to the intermediate layer. Consequently there is no motivation or suggestion to combine the cover layer of Agarwal to the two layer pad of Wang since neither Wang nor the recited claims include polishing elements to cover.

Additionally, the grooves described and illustrated in Agarwal Figure 8 are clearly shown as being cut through each layer, the backing layer 150, intermediate layer 180, and cover layer 170. Combining this limitation with the pad described in Wang would result in grooves being cut through each layer of Wang's pad. Claim 1 recites, and as illustrated and described with reference to Figure 5 of the Specification, the second resin

layer coupled to the second surface of the first resin layer and configured to have a patterned surface. In other words, only the second resin layer (third layer) is patterned and the base layer and first resin layer are not patterned. Similarly, claim 12 recites, and as illustrated and described with reference to Figure 6 of the Specification, a second resin layer including an ion exchange material therein, wherein the second resin layer is conformed and coupled to the first resin layer. Put another way, the grooves are not cut through each layer nor a pattern formed by covering individual polishing elements, but are patterned on the first resin layer and conformably covered by the second resin layer. Therefore, there is no suggestion to combine the grooves as described in Agarwal with the two layer pad of Wang. For at least the reasons detailed above, claims 1 and 12 including all claims dependent therefrom, are patentable over Wang in view of Agarwal.

Claim 33 recites a single comprising a resin layer that includes an ion exchange material dispersed therein and coupled to a polishing platform. Because neither Wang nor Agarwal discuss a single resin layer ion exchange polishing pad, claim 33 is patentable over the recited art, alone or in combination.

#### **4. Conclusion**

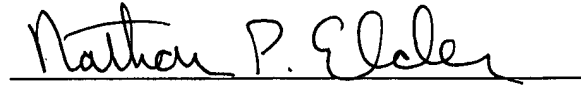
In view of all the foregoing reasons, applicants respectfully submit that the present application is in condition for allowance, and such allowance is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Tarek Fahmi at (408) 947-8200 ext. 219.

Respectfully submitted,

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